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EXAMINER	
DIVECHA, KAMAL B	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/764,350	SUDA, TAKASHI	
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-21 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-21 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to communications filed 8/18/08.

Claims 1-4, 6, 8-21 and 23 are pending in this application.

Claims 5, 7 and 22 were previously cancelled.

Claim 23 is newly added claim.

Response to Arguments

Applicant's arguments in the submission filed 8/18/08 have been fully considered but they are **not** persuasive.

In response filed, applicant argues in substance that:

a. Li fails to disclose "if no connection trial is made over a predetermined time period with respect to one of the addresses contained in said address list, said updating section tries to access each of the addresses contained in said address list (remarks, pg. 7-8).

In response to argument [a], Examiner respectfully disagrees.

Initially, applicant keeps on reiterating that Li does not disclose "if the number of failure access…", e.g. remarks, pg. 8.

In response, applicant should note, once again, that the office action acknowledged that Li does not disclose a means wherein, if the number of times the access failure has occurred with respect to one of the addresses contained in said address list becomes equal to a predetermined threshold value, said updating section deletes the one of the addresses from said address list, said updating section tries to access each of the addresses contained in said address list and deletes an

address from said address list if the number of times failure has occurred continuously becomes equal to a predetermined threshold value by failure of said tries (**i.e. a typical "retry mechanism"** before deleting the addresses from the list, or testing the number of times access failure has occurred before deleting the addresses from the list as per applicant).

Stated another way, Li does not disclose a retry mechanism.

However, Li does disclose that if no connection trial is made, i.e. if no input is supplied with respect to the address, over a predetermined time period with respect to one of the addresses contained in said address list, said updating section tries to access each of the addresses contained in said address list and deletes an address from said address List , e.g. col. 7 L15 to col. 8 L60, col. 10 L14 to col. 11 L45, and fig. 19, which is reproduced below.

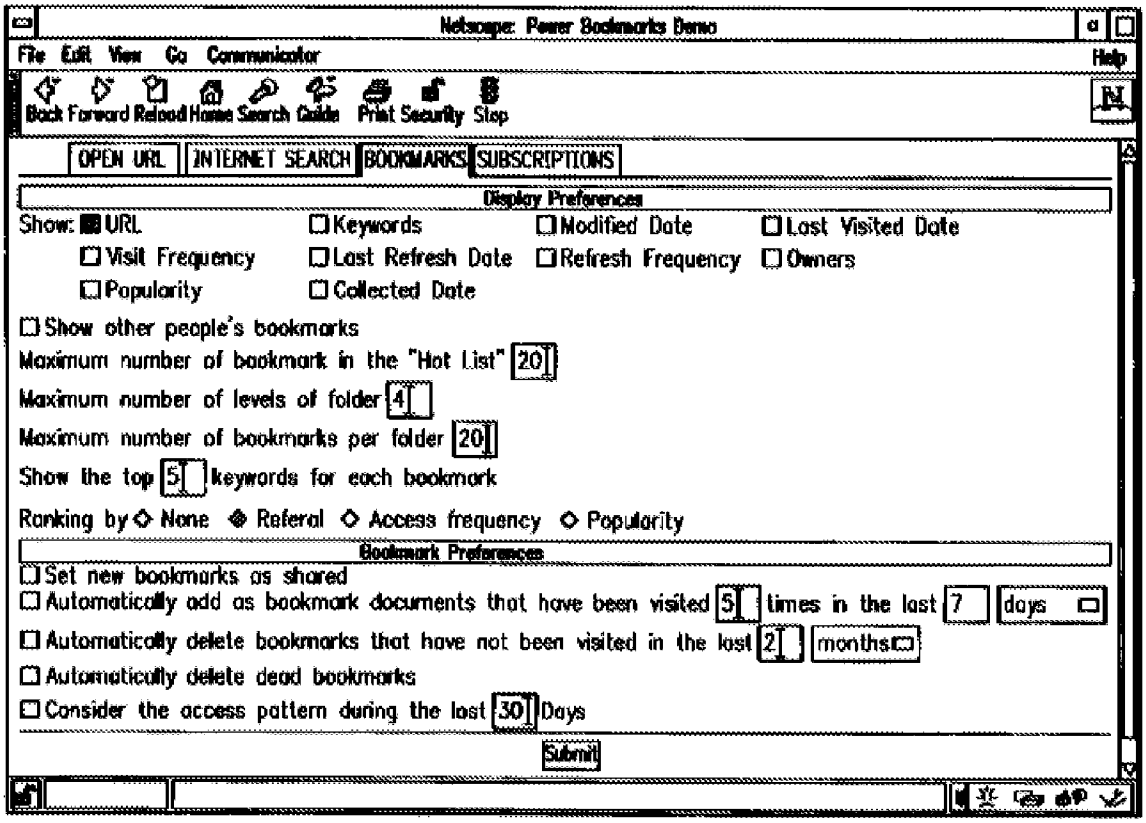

FIG. 19

The figure, more specifically, Bookmark Preferences, clearly shows that if no connection trial, i.e. input, visit, access, invoke, etc., is made over a predetermined time period, for example, in 2 months, with respect to one of the addresses contained in said address list, i.e. bookmark list, said updating section tries to access each of the addresses contained in said address list and deletes the addresses.

b. Chung…however, this disclosure fails to solve the problem associated with claim 1 related to deleting website addresses which have been "relocated or extinguished" because Chung only refers to a temporary solution for attempting to gather...(remarks, pg. 8).

In response to argument [b], Examiner disagrees.

In the response filed, it appears that applicant is addressing the *prima facie case of obviousness* [based on the combination of references] by attacking the references individually.

MPEP 2145 (IV) clearly sets forth: One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As shown above, Li clearly teaches the process of deleting website addresses which have been relocated **or extinguished, i.e. dead links.**

Furthermore, Chung discloses that "when a particular service request is submitted…it may not receive response for different reasons, such as network congestion, server overload, server failure and the like…because many of these problems are transient in nature…"

First applicant should note that Chung refers to "many of these problems" and "all of these problems".

In other words, some problem may not be transient in nature and may be permanent. For example: in case of server failure.

As such, even Chung discloses identifying the dead or extinguished links.

Applicant further refers to fig. 5 and para [0057] of the patent application publication, e.g. remarks, pg. 8.

Applicant should note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c. Thus, one of ordinary skill in the art at the time of invention would not be motivated (remarks, pg. 8).

In response to applicant's argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

It's a common sense to one of ordinary skilled in the art at the time the invention was made to modify Li in order to double check, verify and/or confirm the status of the **potential dead** links by implementing the retry mechanism of Chung.

d. The dependent claims also recite additional features not taught of suggested by Chung or Li. For example claim 15 recites "the access frequency is the number of occurrences of access in a unit number of days, and said updating…In particular, Chung does not...allowing a user to maintain a retry period calculable in days...(remarks, pg. 9).

In response to argument [d], Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., allowing a user to maintain a retry period calculable in days) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Li clearly discloses the access frequency, wherein the access frequency is the number of occurrences of access in a unit number of day, for example, 5 times in 7 days, See figure 19, which is reproduced above.

e. Applicants respectfully submit that new claim 23 is patentable over the references, as neither Li nor Chung, aloe or in combination teaches…(remarks, pg. 9).

In response to argument [a], Examiner respectfully disagrees.

First, applicant is advised to interpret the claims in view of figure 19 of Li, more specifically, Bookmark Preferences section, as reproduced above. This figure alone shows "the adding", "the deleting" and "the deleting unreachable website addresses".

Chung, as shown above discloses the retry mechanism.

Moreover, applicant acknowledged that **Chung allows a user to specify during the registration process, retry parameters including timeout period, a retry period and a maximum number of retries,** for each identifier, e.g. remarks, pg. 8.

For example:

In an event the user sets the retry period to be 4 hrs and the maximum number of tries to 6, the process will result in measurement of number of access failures measured over a time period of at least one day, i.e. 4 hrs multiply by 6, results in 24 hours or 1 day.

As such, Chung enables the user to specify the retry parameters including the setting of retry period in seconds, minutes, hours, days, months, years, etc.

Therefore, the combination of Li and Chung explicitly discloses the features as in newly added claim 23.

For the at least these reasons, THE REJECTION IS MAINTAINED.

All prior responses by the Office in view of Li and Chung may still apply and are incorporated herein.

Specification

The objection presented in the previous office action is withdrawn in light of claim amendments.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-4, 6 and 8-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 recites:

> "A **computer-implemented apparatus** for managing addresses of websites **comprising: a computer, comprising:**
> an address list…
> a monitor monitoring… and
> an updating processor updating…"

Initially, it is unclear whether the claimed features and/or functionalities are associated with the computer or the computer-implemented apparatus, thus enabling the scope of the claim unascertainable.

The preamble of the claim fails to make logical sense. It is unclear how a computer-implemented apparatus can comprise a computer, whereas, it's known in the art that a computer can comprise a computer implemented apparatus such as an application.

Claims 2-18 are rejected at least due to their dependency on claim 1.

Applicant is advised to take appropriate actions.

Claim Rejections - 35 USC § 101

The rejection presented in the previous office action is withdrawn in light of claims amendments.

Note: A recording medium as in claim 20 is interpreted as hard disk, CD-ROM or a floppy disk (applicant's specification, pg. 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6, 8-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (hereinafter Li, US 6,631,496 B1) in view of Chung et al. (hereinafter Chung, US 6,012,090).

As per claim 1, Li explicitly discloses an apparatus for managing addresses of websites (fig. 19 and col. 1 L56 to col. 2 L57) comprising, a computer, comprising:

an address list containing addresses of website (col. 2 L36-46 to col. 3 L7, col. 11 L12-45);

a monitoring section monitoring a state of user references to web sites (col. 2 L36 to col. 3 L7, col. 10 L14-67); and

an updating section updating the contents of said address list according to the state of user references monitored by said monitoring section, said updating including deleting from and adding to the contents of said address list according to the state of user references wherein said deleting occurs based on access failure of a website, and wherein said updating section has a line

connected for reference to the website (a connection capable of initiating the identifier), and if no connection trial is made over a predetermined time period with respect to one of the addresses contained in said address list, said updating section tries to access each of the addresses contained in said address list and deletes an address from said address List so as to delete an address of a relocated, i.e. moved or extinguished web site from the list (col. 7 L15 to col. 8 L60, col. 10 L7 to col. 11 L45, and fig. 19: clearly summarizes Li's invention, col. 5 L54 to col. 6 L3, col. 12 L47 to col. 13 L10).

However, Li does not disclose a means wherein, if the number of times the access failure has occurred with respect to one of the addresses contained in said address list becomes equal to a predetermined threshold value, said updating section deletes the one of the addresses from said address list, said updating section tries to access each of the addresses contained in said address list and deletes an address from said address list if the number of times failure has occurred continuously becomes equal to a predetermined threshold value by failure of said tries (i.e. a typical "retry mechanism" before deleting the addresses from the list, or **testing** the number of times access failure has occurred before deleting the addresses from the list as per applicant).

Chung explicitly discloses a retry mechanism comprising determining, whether the number of times the access failure has occurred with respect to one of the addresses/identifiers contained in said address list or group becomes equal to a maximum number of retries, i.e. predetermined threshold value, by accessing the identifiers, i.e. addresses, a maximum number of times (col. 7 L38 to col. 8 L9: RETRY mechanism with a maximum number of retries in an event of a access failure, col. 5 L18-43).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Li in view of Chung, in order to delete the addresses from the list if the number of times failure has occurred becomes equal to a predetermined threshold value by failure of said tries (i.e. utilizing a retry mechanism before deleting the address).

One of ordinary skilled in the art would have been motivated because the retry mechanism is a widely available technique for **ensuring, verifying and/or confirming the availability** and/or status of the website (Chung, col. 7 L65 to col. 8 L10, col. 3 L23-30).

As per claim 2, Li discloses the apparatus further comprising a connection section accessing to an address contained in said address list in case the address is designated (i.e. incase the address is selected for access, col. 1 L56-67, col. 4 L21-34, col. 5 L34-53, col. 6 L4-21).

As per claim 3, Li discloses the apparatus wherein said monitoring section records the frequency of access to the address of each web site as a content of said state of references, and said updating section adds, to said address list, an address with an access frequency reached to a predetermined threshold value (i.e. adding the address into the list of addresses based on its popularity or access times, col. 10 L14-30 and fig. 19).

As per claim 4, Li discloses the apparatus wherein said monitoring section records the frequency of access to the address of each web site as a content of said state of references, and said updating section deletes, from said address list, any of the addresses in said address list with an access frequency lower than a predetermined threshold value (fig. 19 and col. 11 L3-34).

As per claim 6, Li discloses an apparatus wherein the access frequency with respect to each of the web sites is updated each time access the web site results in success, and wherein when the access frequency is updated, said updating section makes a determination whether or

note the access frequency has reaches the predetermined threshold value (col. 10 L14 to col. 11 L45 and fig. 19).

As per claim 8, Li discloses the apparatus further comprising a supply section supplying a user with a setting window to enable the user to set the predetermined threshold value (col. 14 L30 to col. 15 L34 and fig. 19).

As per claim 12, Li discloses the apparatus wherein said updating section is activated when an operating system controlling said address management apparatus is activated (fig. 19, col. 3 L3-5).

As per claim 15, Li discloses an apparatus wherein the access frequency is the number of occurrences of access in a unit number of days, and said updating section is activated when the date is changed (col. 5 L54-67 and fig. 19).

As per claim 18, Li discloses the apparatus wherein said updating section is activated when the setting of the predetermined threshold value is changed by the user (fig. 19).

As per claim 23, Li discloses a method for managing website addresses which are recorded in a list of visited website accesses upon an initial access by a user, comprising:

adding a more frequently visited website address to an intelligent favorite list when frequency of access over a time period by the user becomes equal to or greater than a first threshold value (fig. 19, col. 14 L30 to col. 15 L21);

deleting a less frequently visited website address from the intelligent favorite list when frequency of access over a time period by the user becomes less than a second threshold value (fig. 19, col. 14 L30 to col. 15 L21); and

deleting an unreachable website address from the intelligent favorite list (fig. 19, col. 14 L30 to col. 15 L21).

However, Li does not disclose the process wherein the deleting an unreachable website address occurs when a number of failures to access the unreachable website address equals at least a third threshold value measured over a time period of at least one day (i.e. a typical "retry mechanism" before deleting the addresses from the list, or **testing** the number of times access failure has occurred before deleting the addresses from the list as per applicant).

Chung explicitly discloses a retry mechanism comprising determining, whether the number of times the access failure has occurred with respect to one of the addresses/identifiers contained in said address list or group becomes equal to a maximum number of retries in a user-set retry parameters, i.e. predetermined threshold value, time period, etc., by accessing the identifiers, i.e. addresses, a maximum number of times (col. 7 L38 to col. 8 L9: RETRY mechanism with a maximum number of retries in an event of a access failure in a user-set timeout period, col. 5 L18-43).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Li in view of Chung, in order to delete the addresses from the list if the number of times failure has occurred becomes equal to a predetermined threshold value by failure of said tries over a time period of at least one day (i.e. utilizing a retry mechanism before deleting the address).

One of ordinary skilled in the art would have been motivated because the retry mechanism is a widely available technique for **ensuring, verifying and/or confirming the availability** and/or status of the website (Chung, col. 7 L65 to col. 8 L10, col. 3 L23-30).

As per claims 9-11, 13, 14, 16, 17 and 19-21, they do not teach or further define over the limitations in claims 1-4, 6, 8, 12, 15 and 18. Therefore claims 9-11, 13, 14, 16, 17 and 19-21 are rejected for the same reasons a set forth in claims 1-4, 6, 8, 12, 15 and 18.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Peerey et al., US 5,960,429: Multiple Reference Hotlist for identifying frequently retrieved web page.

b. Bates et al., US 6,100,890: Automatic Bookmarks.

Conclusion

In order to expedite the prosecution, applicant is advised to carefully review the Li reference, more specifically, fig. 19, as it shows most of the features as presented in the present claims. A retry mechanism to measure a number of access failures over a time period of 1 day, 1 month, etc. is an obvious modification to Li, as evidenced by Chung.

Applicant should consider incorporating additional novel features, if available, from the specification as originally filed into the independent claims, or may consider any one of the other alternatives.

The teachings of the prior art shall not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the

individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is (571)272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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